

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

COREY HINTON,	:	CIVIL ACTION
Plaintiff	:	
	:	
v.	:	No. 08-0295
	:	
FRANKLIN J. TENNIS, et al.	:	
Defendants	:	

ORDER

_____**AND NOW**, this 12th day of March, 2009, upon consideration of the Commonwealth Defendants' motion to dismiss (Document #10), and the plaintiff's response thereto (Document #18), it is hereby ORDERED that the motion is GRANTED in part and DENIED in part.

IT IS FURTHER ORDERED that:

1. Defendant Simcox is DISMISSED as a defendant in this action;
2. Defendants Evans Gary, Jr., and Richard Bennett are DISMISSED as defendants in this action because of the lack of proper service;
2. The plaintiff shall file an amended complaint consistent with this Memorandum within thirty (30) days of the date of this Order;
- _____3. Also within thirty (30) days of the date of this Order, Defendant Mr. Hamilton shall file a reason to show cause why default judgment should not be entered against him for failure to respond to this complaint.

_____**BY THE COURT:**

/s/Lawrence F. Stengel
LAWRENCE F. STENGEL, J.